REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Status of Claims:

No claims are currently being added, canceled or amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-19 remain pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-12, 14 and 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,658,272 to Lenchik et al.; claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenchik et al. in view of U.S. Patent No. 6,882,335 to Saarinen; claim 16 was rejected under U.S.C. § 103(a) as being unpatentable over Lenchik et al. in view of U.S. Patent No. 5,717,423 to Parker; claim 17 was rejected under U.S.C. § 103(a) as being unpatentable over Lenchik et al. in view of Parker and further in view of U.S. Patent No. 4,425,488 to Moskin et al.; claim 18 was rejected under U.S.C. § 103(a) as being unpatentable over Lenchik et al. in view of Parker and further in view of U.S. Patent Publication No. 2002/0142807 to Cho; and claim 19 was rejected under U.S.C. § 103(a) as being unpatentable over Lenchik et al. in view of Cho. These rejections are traversed for the reasons given below.

In its rejection of claim 1, the Office Action asserts that element 106 of Lenchik et al. corresponds to the claimed apparatus, and that element 104 of Lenchik et al. corresponds to the claimed device (for which its operating state is changed based on an orientation of the apparatus). Applicant respectfully disagrees. In Lenchik et al., as clearly seen in Figures 2-8 of that reference, the orientation of the second electronic element 106 does not change, but rather remains in a same state (that being laid flat on a surface). While the orientation of the first electronic element 104 does change relative to the fixed position of the second electronic element 106, as shown in Figures 2-8 of Lenchik et al., that changed position of the first

electronic element 104 affects the operating state of the first electronic element 104. It has no affect on the operating state of the second electronic element 106.

In other words, claim 1 recites an apparatus which can be set to one of a plurality of different orientations, whereby that set orientation changes an operating state of a device. The claimed "device" is not the "apparatus", but rather is a separate component.

In Lenchik et al., the position of the first electronic element 104 can be set to one of a plurality of different positions, whereby this affects an operating state of the first electronic element 104 (e.g., landscape versus portrait display). This is not what is recited in claim 1.

Now, if the Office Action is somehow arguing that the changed display characteristics of the first electronic element 104 thereby results in a changed operating state of the entire device, which includes the second electronic element 106, then in that case the changed operating state of the device does have an affect on the operating state of the first electronic element 104, since its display characteristics have changed.

Thus, no matter how the Office Action is interpreting Lenchik et al., it does not meet the specific features recited in claim 1, and thus claim 1 is not anticipated by Lenchik et al.

Independent claims 14 and 15 recite similar features as those discussed above with respect to independent claim 1, and thus those claims are also not anticipated by Lenchik et al.

Claims 2-13 are patentable due to their dependence on base claim 1, as well as for the specific features recited in those dependent claims.

For example, with respect to dependent claim 2, the Office Action asserts that "Lenchik teaches the housing being a cube, triangular pyramid or a regular or irregular solid." However, the Office Action did not provide where such a description is found in Lenchik et al. In response, Applicant's representative was not able to find such a teaching in Lenchik et al., and if this rejection is maintained, the Office Action is respectfully requested to provide an indication of where such a teaching is found in Lenchik et al., or otherwise withdraw this rejection.

With respect to dependent claim 5, which recites that the orientation of the apparatus is communicated to the device by wireless means, the Office Action incorrectly asserts that column 6, lines 23-35 of Lenchik et al. teaches these features. Rather, column 6, lines 23-35

of Lenchik et al. merely describes a third sensor embodiment in which a position sensor comprises a magnet 1373 and a Hall Effect sensor 1377. While it is true that the magnet 1373 and the Hall Effect sensor 1377 are not directly connected to each other, that is not what is being recited in claim 5; rather, it is that the sensed orientation information is sent via wireless means from the apparatus to the device. In Lenchik et al., on the other hand, Figure 13 of that reference does not change the fact that the first and second electronic elements 104, 106 are directly connected to each other via a cable, whereby a position sensor located within the first electronic element 104 uses a magnetic field sensor to determine its own orientation. However, once the orientation of the first electronic element 104 is determined, it is provided to the second electronic element 106 via a cable, as clearly seen in the drawings of Lenchik et al.

With respect to claim 16, the Office Action relies on the teachings of Parker to allegedly show unique labels provided on the faces of a cube. Applicant respectfully disagrees. While Figure 2 of Parker shows a cube extending out from other cubes in which three faces of the cube have the designations K, φ and ", it is unclear what these designations are meant to convey, since Parker does not mention them at all in the description of Figure 2. Thus, one skilled in the art would not be motivated to combine Parker with Lenchik et al. in the manner suggested in the Office Action, due to Parker's silence as to the purpose of the character designations on one of his cubes.

Furthermore, as to the comment made in the Office Action concerning that the use of a cube does not provide any particular advantage, in response, please refer to page 9, lines 9-11 of the specification, which clearly sets forth that a cube allows for non-sophisticated users to easily manipulate an operating state of a device.

In its rejection of claim 17, the Office Action turns to the teachings of Moskin et al. to allegedly show a detecting means (switch 40) implemented in a controller including conducting fluid (conducting fluid 87) provided within a switch, in which the conducting fluid closes one of a plurality of switches (contacts 75-81) provided within the switch when the switch is positioned at a particular orientation, to thereby provide an electronic indication of the particular orientation (col. 4, lines 51-63).

While Moskin et al. does appear to teach a switch that uses conducting fluid, it is respectfully submitted that one skilled in the art would not be motivated to use Moskin's

switch in the system of Lenchik et al. In particular, Moskin's switch is provided in his grip 11 of his electronic pistol (see Figure 1 of Moskin), and also note that the claimed switch is provided in the apparatus (the cube). In that regard, one skilled in the art would not be motivated to provide such a switch, having conductive fluid, in either the first or the second electronic elements 104, 106 of Lenchik et al., since those elements have other electronic components that may be seriously damaged due to a problem (e.g., leakage) with the switch. In Moskin, on the other hand, a leak in the grip 11 will not affect the electronic components provided in the top portion of his pistol, and thus there is no such problem as what may occur in the system of Lenchik et al. if a switch was implemented in that system.

Accordingly, one skilled in the art would not be motivated to combine the teachings of Moskin et al. to the structure of Lenchik et al., and thus this rejection should be reconsidered and withdrawn.

Lastly, with respect to independent claim 19, the Office Action relies on the combination of Lenchik et al. and Cho; however, this combination does not make claim 19 unpatentable. In particular, Cho teaches that a user can make a single input from a first input key to associate a first communication address, and then the user can make two sequential inputs from the first input key to associate a second communication address, and to later transmit the first or second communication address by way of the first input key being actuated once or sequentially.

However, there has nothing at all to do with changing an orientation of a wireless communication device having such a first input key, since the wireless communication device is assumed to be placed at a fixed setting while this association of first input key(s) with first and second communication addresses is being made by a user.

Thus, even if the features of Cho were combined to those of Lenchik et al., that combination would result in a user actuating a key on the second electronic element 106 one time or several times to set an operating mode of the first electronic element 104, whereby no orientation changing of either the first electronic element 104 or the second electronic element 106 is being made while this is being done.

Accordingly, claim 19 is patentable over the combination of Lenchik et al. and Cho.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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